

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John R. Milton	Examiner:	Quoc A. Tran
Serial No.:	09/738,208	Art Unit:	2176
Filed:	December 15, 2000	Docket No.:	10005368-1
Title:	System and Method for Pruning an Article		

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Declaration is submitted to establish prior invention of the subject matter of the present patent application in the United States. The person making this Declaration is the inventor, John R. Milton.

Accompanying this Declaration are Exhibits A and B to establish conception of the subject matter of the present patent application prior to the filing date of the published patent application 2002/0138528 by Gong et al., having a effective date of December 12th, 2000, coupled with due diligence from prior to the earliest effective date of 2002/0138528 up to the filing date of the present patent application (i.e., constructive reduction to practice).

Exhibit A (3 pages) includes a copy of HP Invention Disclosure No. 10005368 submitted by the inventor John R. Milton and received by the HP Legal Department prior to the earliest effective date of published patent application 2002/0138528. This invention disclosure describes subject matter of the present patent application.

Exhibit B (1 page) includes a copy of an electronic mail, dated November 14th, 2000, from the Administrative Assistant in the Hewlett-Packard Legal Dept. providing the applicant with a copy of the patent application as the application was to be filed.

From these exhibits, it can be seen that the subject matter of the present patent application was conceived in the United States prior to the earliest effective date of December 12, 2000 of U.S. Published Patent Application No. 2002/0138528 coupled with due diligence from prior to the earliest effective date of Application No. 2002/0138528 up to the filing date of the present patent application (i.e., constructive reduction to practice).

Declaration under 37 C.F.R. § 1.131

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As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: John R. Milton
John R. Milton

Date: 1/19/2006